

16531

NOTICE OF RULE ADOPTION – FINAL RULE
STATE OF MISSISSIPPI
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

FILED
OCT 13 2009
MISSISSIPPI
SECRETARY OF STATE

Mississippi Department of Environmental Quality
c/o Ted Lampton, Senior Attorney
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Specific Legal Authority authorizing the promulgation of Rule:

Miss. Code Ann. § 49-2-9(1) and 49-17-85(2003)

Reference to Rules replaced, amended or suspended by the Proposed Rule: amends the Final FY-2009 Water Pollution Control (Clean Water) Revolving Loan Fund Intended Use Plan (FY-2009 IUP) Amendment No. 1

- **Explanation of the Purpose of the Proposed Rule and the reason(s) for the proposing the rule:** The FY-09 Water Pollution Control Revolving Loan Fund Intended Use Plan Amendment No. 2, incorporating the following changes: 1) adds additional projects to the ARRA Project List for possible funding during FY-09; 2) identifies on the ARRA Project List those projects which are "categorically green" by definition, or have submitted business cases justifying their status as 'green projects' and are therefore eligible to receive funding from the green project reserve on a 'first-come, first served' basis; 3) delete the last sentence in Part 2. Section IV. Part C, thus eliminating the requirement that the 1511 Certification be required from the appropriate representative of the loan recipient; and 4) changes the community name on the ARRA Project List from the City of Louisville to the Louisville Utilities Commission.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☒ An oral proceeding was held on this rule:

Date: September 16, 2009

Time: 11:00 a.m.

Place: Commission Hearing Room, Department of Environmental Quality, 515 East Amite Street, Jackson, Mississippi

☐ An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

☒ This rule as adopted is without variance from the proposed rule.

☐ This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matter in the notice of proposed rule adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: Adopted October 13, 2009
Effective 30 days after filing.

Ted Lampton, Senior Attorney, MDEQ
Signature and Title of Person Submitting Rule for Filing